

109TH CONGRESS
1ST SESSION

H. R. 3998

To provide farm debt and program relief to African-American farmers who suffered discrimination in the administration of Department of Agriculture farm credit programs and other agriculture programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Ms. MCKINNEY introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To provide farm debt and program relief to African-American farmers who suffered discrimination in the administration of Department of Agriculture farm credit programs and other agriculture programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) In 1998, the Secretary of Agriculture re-
6 ported to Congress that the majority of African-
7 American farmers who applied to participate in the

1 farm credit programs administered by the Depart-
2 ment of Agriculture had been discriminated against.

3 (2) As a consequence of the Secretary's admis-
4 sion, section 741 of the Agriculture, Rural Develop-
5 ment, Food and Drug Administration, and Related
6 Agencies Appropriations Act, 1999 (section 101(a)
7 of Public Law 105-277; 112 Stat. 2681-30; 7
8 U.S.C. 2279 note), waived the statute of limitations
9 for civil actions brought by African-American farm-
10 ers in response to such discrimination.

11 (3) In October 1998, the United States District
12 Court for the District of Columbia certified a civil
13 class consisting of all African-American farmers, and
14 in April 1999, the plaintiffs, acting through their
15 legal counsel, entered into a consent order with the
16 Secretary of Agriculture providing for specific farm
17 debt relief and certain minimum payments be made
18 to the farmers.

19 (4) In June 2002, the United States Court of
20 Appeals for the District of Columbia Circuit ruled
21 that the African-American farmers were the victims
22 of virtual malpractice by their class counsel.

23 (5) As a consequence of the class counsel's ac-
24 tions, thousands of African-American farmers filed
25 claims against the Judgement Fund of the United

1 States that were neither poorly or fraudulently proc-
2 essed to negative ends.

3 **SEC. 2. RELIEF FOR AFRICAN-AMERICAN FARMERS.**

4 (a) DEBT FORGIVENESS.—In the case of each Afri-
5 can-American farmer described in subsection (c), the
6 United States permanently forgives any indebtedness, re-
7 moves from collection, and relinquishes its rights to any
8 payments, in connection with all farm operating loan pro-
9 gram debt agreements entered into between the farmer
10 and the Department of Agriculture pursuant to the Con-
11 solidated Farm and Rural Development Act (7 U.S.C.
12 1921 et. seq).

13 (b) PAYMENT OF MINIMAL RELIEF.—In the case of
14 each African-American farmer described in subsection (c),
15 the Secretary of Agriculture shall pay the minimum relief
16 raised in the combined cases *Pigford et al. v. Glickman*,
17 Civil Action No. 97–1978 D.D.C. (PLF) and *Brewington*
18 *et al. v. Glickman*, Civil Action No. 98–1693 D.D.C.
19 (PLF).

20 (c) ELIGIBILITY.—To be eligible for the relief pro-
21 vided by subsections (a) and (b), an African-American
22 farmer shall present the Secretary with substantial evi-
23 dence that—

24 (1) the farmer was an “actual farmer” during
25 the period beginning on January 1, 1981, and ex-

1 tending through December 30, 1996, determined in
2 the manner provided in section 311(a) of the Con-
3 solidated Farm and Rural Development Act (7
4 U.S.C. 1941(a)); and

5 (2) the farmer applied for, but failed to receive,
6 any relief pursuant to section 741 of the Agri-
7 culture, Rural Development, Food and Drug Admin-
8 istration, and Related Agencies Appropriations Act,
9 1999 or through the Black Farmer Settlement as
10 authorized by the United States District Court in
11 Pigford et al. v. Glickman and Brewington et al. v.
12 Glickman.

13 (d) TIME PERIOD COVERED BY RELIEF.—The relief
14 provided by subsections (a) and (b) shall cover farm oper-
15 ating loan or debt agreements entered into during the pe-
16 riod specified in subsection (c)(1).

17 (e) FUNDING.—There is hereby appropriated to the
18 Secretary of Agriculture, out of amounts in the Treasury
19 not otherwise appropriated, not less than \$150,000,000
20 to make the payments required by subsection (b).

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